

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:20-cr-00079-JPH-MJD
)	
WAYNE TURNER,)	- 01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On December 18, 2025, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on November 20, 2025. Defendant Turner appeared in person with his appointed FCD counsel William H. Dazey, Jr. The government appeared by William McCoskey, Assistant United States Attorney. U.S. Parole and Probation appeared by Officer Justin Meier.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Turner of his rights and ensured he had a copy of the Petition. Defendant Turner waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Turner admitted Violation No. 2 as set forth in the Petition. [Dkt. 136.] Government orally moved to dismiss the remaining Violation Nos. 1, 3, and 4 which motion was granted by the Court.
3. The allegations to which Defendant admitted, as fully set forth in the Petition, are:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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2	"You shall not commit another federal, state, or local crime."
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As previously reported to the Court, on April [7], 2025, Mr. Turner was arrested and charged on April 3, 2025 with Theft, a level 6 felony, in Johnson County, Indiana under 41D01-2504-F6-000227.

4. The Court found that:

- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant's criminal history category is II.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 6 to 12 months' imprisonment.

5. The government argued for a sentence of eight months' incarceration.

Defendant's counsel noted that Defendant was incarcerated for three months on the State charge, which involved the theft of a sauce pan, and argued for no further incarceration. The parties agreed upon a one-year period of supervised release to follow the revocation.

The Magistrate Judge, having considered the factors set forth in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions set forth in Violation No. 2 of the Petition, and recommends that Defendant's supervised release be revoked, and that he should be sentenced to time served, with one year of supervised release to follow. In addition to the mandatory conditions of supervision, the following conditions of supervised release should be imposed:

- 1. You shall report to the probation office in the federal judicial district to which you are released within 72 hours of release from the custody of the Bureau of Prisons.
- 2. You shall report to the probation officer in a manner and frequency directed by the court or probation officer.

3. You shall permit a probation officer to visit you at a reasonable time at home or another place where the officer may legitimately enter by right or consent, and shall permit confiscation of any contraband observed in plain view of the probation officer.
4. You shall not knowingly leave the federal judicial district where you are being supervised without the permission of the supervising court/probation officer.
5. You shall answer truthfully the inquiries by the probation officer, subject to your 5th Amendment privilege.
6. You shall not meet, communicate, or otherwise interact with a person you know to be engaged, or planning to be engaged, in criminal activity. You shall report any contact with persons you know to be convicted felons to your probation officer within 72 hours of the contact.
7. You shall reside at a location approved by the probation officer and shall notify the probation officer at least 72 hours prior to any planned change in place or circumstances of residence or employment (including, but not limited to, changes in who lives there, job positions, job responsibilities). When prior notification is not possible, you shall notify the probation officer within 72 hours of the change.
8. You shall not own, possess, or have access to a firearm, ammunition, destructive device or dangerous weapon.
9. You shall notify the probation officer within 72 hours of being arrested, charged, or questioned by a law enforcement officer.
10. You shall maintain lawful full time employment, unless excused by the probation officer for schooling, vocational training, or other reasons that prevent lawful employment.
11. You shall make a good faith effort to follow instructions of the probation officer necessary to ensure compliance with the conditions of supervision.

Justification: Conditions 1-11 are considered administrative in nature and will enable the probation officer to effectively supervise the offender within the community

12. You shall participate in a mental health treatment program, as approved by the probation officer, and abide by the rules and regulations of that program. The probation officer, in consultation with the treatment provider, shall supervise participation in the program (provider, location, modality, duration, intensity, etc.). You shall take all mental health medications that are prescribed by your treating physician. The court authorizes the release of the presentence report and available evaluations to the treatment provider, as approved by the probation officer.
13. You shall participate in a substance abuse or alcohol treatment program approved by the probation officer and abide by the rules and regulations of that program. The probation

officer shall supervise your participation in the program (provider, location, modality, duration, intensity, etc.). The court authorizes the release of the presentence report and available evaluations to the treatment provider, as approved by the probation officer.

14. You shall not use or possess any controlled substances prohibited by applicable state or federal law, unless authorized to do so by a valid prescription from a licensed medical practitioner. You shall follow the prescription instructions regarding frequency and dosage.
15. You shall not knowingly purchase, possess, distribute, administer, or otherwise use any psychoactive substances (e.g., synthetic marijuana, bath salts, Spice, glue, etc.) that impair a person's physical or mental functioning, whether or not intended for human consumption.
16. You shall not use or possess alcohol.
17. You shall submit to substance abuse testing to determine if you have used a prohibited substance or to determine compliance with substance abuse treatment. Testing may include no more than 8 drug tests per month. You shall not attempt to obstruct or tamper with the testing methods.
18. You shall pay the costs associated with the following imposed conditions of supervised release, to the extent you are financially able to pay: substance abuse testing and treatment and mental health treatment. The probation officer shall determine your ability to pay and any schedule of payment.

Justification: Conditions 12-18 are recommended to promote compliance with a drug and alcohol-free lifestyle and address the offender's mental health history.

19. You shall provide the probation officer access to any requested financial information and shall authorize the release of that information to the U.S. Attorney's Office for use in connection with the collection of any outstanding fines and/or restitution.
20. You shall submit to the search by the probation officer of your person, vehicle, office/business, residence, and property, including any computer systems and hardware or software systems, electronic devices, telephones, and Internet-enabled devices, including the data contained in any such items, whenever the probation officer has a reasonable suspicion that a violation of a condition of supervision or other unlawful conduct may have occurred or be underway involving you and that the area(s) to be searched may contain evidence of such violation or conduct. Other law enforcement may assist as necessary. You shall submit to the seizure of contraband found by the probation officer. You shall warn other occupants these locations may be subject to searches.

Justification: Conditions 19-20 will assist the probation officer in monitoring the offender for the protection of the community.


Defendant reviewed the above-noted conditions with his attorney and waived reading of those conditions on the record.

Defendant Turner was released on his current conditions of supervised release pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge.

The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: 19 DEC 2025



Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

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